

## Message Text

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ACTION DLOS-04

INFO OCT-01 IO-13 ISO-00 ACDA-07 AGR-05 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00

EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07

INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-06

OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 SAL-01

FEA-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 /156 W

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TO SECSTATE WASHDC 7007

C O N F I D E N T I A L USUN 1675

FROM LOSDEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: MARINE SCIENTIFIC RESEARCH - BRENNAN GROUP -

APRIL 15, 1976

1. SUBSTANTIVE DISCUSSION IN BRENNAN GROUP CONTINUED TO FOCUS UPON THE SECURITY ASPECTS OF MARINE SCIENTIFIC RESEARCH (MSR). INDIA OPENED WITH AMENDMENTS TO ARTICLES 19, 20 & 21 OF THE EVENSEN TEXT. TO ARTICLE 19, INDIA WOULD ADD A NEW PARAGRAPH (D) GIVING THE COASTAL STATE THE RIGHT TO OBJECT ON THE GROUND THAT THE RESEARCH CONTRAVENES THE PRINCIPLE PROVIDED IN CLAUSE (A) OF ARTICLE 4 UNQUOTE. ARTICLE 4(A) STATES RESEARCH WILL BE CONDUCTED FOR PEACEFUL PURPOSES ONLY. TO ARTICLE 20, INDIA WOULD ADD A NEW PARAGRAPH (D) PROVIDING THAT THE COASTAL STATE MAY REQUIRE THE CESSATION OF A RESEARCH PROJECT QUOTE AT ANY STAGE IF IT FINDS THAT THE RESEARCH IS BEING CONDUCTED IN CONTRAVENTION OF THE PRINCIPLE PROVIDED IN PARAGRAPH (A) OF ARTICLE 4 UNQUOTE. FINALLY IN ARTICLE 21, CONFIDENTIAL

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INDIA WOULD STRIKE THE LAST NINE WORDS IN THE FIRST SENTENCE

& INSERT QUOTE CHOSEN BY THE PARTIES PROVIDED THAT THE COASTAL STATE SHALL HAVE THE RIGHT TO REFUSE TO SUBMIT ANY DIFFERENCES ARISING UNDER THE PROVISIONS OF ARTICLES 19(D) & 20(D) TO ANY PROCEDURES OF SETTLEMENT OF DISPUTES UNQUOTE.

2. BRAZIL EXPRESSED SYMPATHY FOR THE INDIAN AMENDMENTS BUT FELT THEY WERE TOO NARROW & DEALT ONLY WITH THE MILITARY ASPECTS OF SECURITY. HE PROPOSED MODIFYING THE CHAPEAU OF ARTICLE 14 OF THE EVENSEN TEXT AND ADDING A NEW PARAGRAPH AS FOLLOWS: THE EXPRESS CONSENT OF THE COASTAL STATE SHALL BE OBTAINED IN RESPECT OF ANY SCIENTIFIC RESEARCH IN ITS ECONOMIC ZONE OR CONTINENTAL SHELF WHICH MAY AFFECT NATIONAL INTERESTS OF THE COASTAL STATE BECAUSE IT (E) CONTRAVENES CLAUSE (A) OF ARTICLE 4. KENYA EXPRESSED SUPPORT FOR THE BRAZILIAN AMENDMENT.

3. THE U.S. IN A LENGTHY INTERVENTION STATED ECONOMIC SECURITY WAS BEING DEALT WITH BY THE DISTINCTION CONCEPT. MILITARY SECURITY WAS OUTSIDE THE SCOPE OF MSR & THE U.S. COULD NOT ACCEPT OR SUPPORT ANY OF THE AMENDMENTS WHICH HAD BEEN OFFERED ON THIS POINT. POLITICAL PROBLEMS BETWEEN NEIGHBORING OR OTHER STATES WILL ALWAYS BE WITH US & WE CANNOT HOPE TO ELIMINATE ALL THESE PROBLEMS ALTHOUGH WE SHOULD STRIVE TO REDUCE THEM.

4. THE USSR INTERVENED STATING THAT THE INDIAN PROPOSALS WERE VERY EXTENSIVE BUT HE WAS INTERESTED IN THEM & SAW MERIT IN THEM. THE BRAZILIAN AMENDMENTS, HOWEVER, WOULD FUNDAMENTALLY CHANGE THE NATURE OF THE ECONOMIC ZONE. AN INSISTENCE THAT SECURITY WAS AN INTEREST OF THE COASTAL STATE IN THE ECONOMIC ZONE, IN THE SOVIET VIEW, WOULD PRECLUDE A SUCCESSFUL TREATY.

5. KENYA STATED THAT IF THERE WAS NO REFERENCE TO POLITICAL & SECURITY ASPECTS THEY WOULD NEED TO RESORT TO A TOTAL CONSENT REGIME FOR MSR IN THE ECONOMIC ZONE. BRAZIL & PAKISTAN SUPPORTED THIS VIEW. INDIA STATED THE DIFFICULTY WAS CREATED BY DIFFERING NOTIONS IN

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REGARD TO THE ECONOMIC ZONE STATING THAT INDIA BELIEVED SECURITY WAS AN ELEMENT OF THAT ZONE. HE STRESSED THAT HIS AMENDMENTS WERE AN ATTEMPT AT MODERATION REPEATING HIS OFT-QUOTED PHRASE THAT INDIA MUST HAVE THE OPTION TO REFUSE CERTAIN RESEARCH ACTIVITIES BY CERTAIN STATES. INDIA REITERATED THAT IF ARTICLE 4 CONTAINS A GENERAL PRINCIPLE THE COASTAL STATE MUST HAVE THE RIGHT TO MAKE THAT PRINCIPLE MEANINGFUL.

6. EGYPT IN AN EMOTIONAL INTERVENTION STATED THAT AS A SCIENTIST HE MUST PUT THE SECURITY OF HIS COUNTRY BEFORE ANY OTHER CONSIDERATION. DATA COLLECTED FROM THE DISCHARGES CONTAINED IN RIVERS OF THE COASTAL STATE AT DISTANCES OF 12,100 OR 150 MILES, EGYPT BELIEVED COULD TELL THE RESEARCHING STATE ABOUT VITAL ACTIVITIES CONDUCTED WITHIN THE TERRITORY OF THE COASTAL STATES. BRAZIL AGREED WITH EGYPTIAN CONCERNS & STATED THAT ALL MSR CREATED RISKS FOR THE COASTAL STATE. A CONSENT REGIME BRAZIL STATED ALLOWED THE COASTAL STATE TO DETERMINE WHETHER TO TAKE THAT RISK. HE CITED AS A HYPOTHETICAL EXAMPLE THE INSTANCE WHERE THERE WAS A POSSIBILITY OF RESOURCES OFF THE COAST OF BRAZIL WHICH WERE IN HIGH DEMAND. IF A DEVELOPED STATE LEARNED OF THE POTENTIAL, IT COULD BRING POLITICAL PRESSURE UPON BRAZIL TO EXPLOIT THESE RESOURCES EVEN THOUGH BRAZIL DID NOT FEEL IT WAS APPROPRIATE TO DO SO.  
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